

Chapter 5.72**FORTUNETELLING**

(Urg. Ord. 2703-6/84, 2746-2/85)

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5.72.010 Definition. "Fortunetelling," as used in this chapter, shall include astrology, palmistry, phrenology, lifereading, fortunetelling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, spirit photography, spirit writing, spirit voices, spirit materialization, etherealization, prophecy, writing analysis, or other similar business or act. (Urg. Ord. 2703-6/84)

5.72.020 Permit required. No person shall engage in, carry on, practice, or profess to practice the business or act of fortunetelling or other similar business or act, and demand or receive directly or indirectly any fee, gift, donation or reward therefor without a permit issued pursuant to this chapter. (Urg. Ord. 2703-6/84)

5.72.030 Fees. The application, investigation, and permit fees shall be set by resolution of the City Council. (Urg. Ord. 2703-6/84)

5.72.040 Application.

- (a) Any person, association, partnership, or corporation desiring to obtain a permit to operate, engage in, conduct or carry on any fortunetelling business shall make application to the Chief of Police, or his designated representative. Prior to submitting such application, a nonrefundable fee shall be paid to the City Clerk to defray, in part, the cost of investigation and report required by this chapter. The City Clerk shall issue a receipt showing that such application fee has been paid. The receipt, or a copy thereof, shall be supplied to the Chief of Police at the time such application is submitted.
- (b) The application for permit does not authorize the engaging in, operation of, conduct of or carrying on of any fortunetelling business or act. (Urg. Ord. 2703-6/84)

5.72.050 Application contents. Each application for a fortunetelling business permit shall contain the following information:

- (a) The full, true name and any other names used by the applicant.
- (b) The present address and telephone number of the applicant.
- (c) The previous addresses of applicant, if any, for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.
- (d) The applicant's height, weight, color of eyes and hair, and date and place of birth.

- (e) Two photographs of the applicant at least 2" x 2" taken within the last six months.
- (f) Business, occupation or employment history of the applicant for the five (5) years immediately preceding the date of application.
- (g) The business license history of the applicant and whether such applicant, in previous operations in this or any other city, state, or territory, under license, has had such license or permit for a fortunetelling business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (h) All convictions within the last five years of any crime involving dishonesty, fraud, deceit, or moral turpitude.
- (i) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors, and each stockholder holding more than 5 percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this chapter, but only one application fee shall be charged.
- (j) Such other identification and information as the police department may reasonably require in order to discover the truth of the matters hereinbefore specified as required to be set forth in the application.
- (k) The Chief of Police may require the applicant to furnish fingerprints. (Urg. Ord. 2703-6/84)

5.72.060 Applicant to appear. The applicant if an individual, or designated responsible managing officer if a partnership or corporation, shall personally appear at the police department of the city of Huntington Beach and produce proof that a nonrefundable application fee, established by resolution of the City Council, has been paid and shall present the application containing the aforementioned and described information. (Urg. Ord. 2703-6/84)

5.72.070 Application--Investigation and granting permit. The Chief of Police shall have thirty (30) days to investigate the application and the background of the applicant. Upon completion of the investigation, the Chief of Police shall grant the permit if he finds that:

- (a) The required fee has been paid.
- (b) The application conforms in all respects to the provisions of this chapter.
- (c) The applicant has not knowingly made a material misrepresentation in the application.
- (d) The applicant if an individual, or any of the stockholders of the corporation, any officers or directors if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not within the last five years been convicted in a court of competent jurisdiction of any crime involving dishonesty, fraud, deceit, or moral turpitude.

- (e) The building, structure, equipment, and location of such business, as proposed by applicant, would comply with all applicable laws, including but not limited to health, zoning, fire and safety requirements and standards. (Urg. Ord. 2703-6/84)

5.72.080 Permit--Refusal--Appeal. If the Chief of Police, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this chapter, he shall notify the City Administrator of such opinion and, within thirty (30) days of the date of application, provide copies of the investigation report to the City Administrator. The City Administrator shall within ten (10) days, grant the permit or deny the application and notify the applicant by certified mail of such denial. Any applicant who is denied a permit by the City Administrator may appeal such denial to the City Council pursuant to the provisions of this chapter. (Urg. Ord. 2703-6/84)

5.72.090 Exceptions.

- (a) The provisions of this chapter shall not apply to any person solely by reason of the fact that he is engaged in the business of entertaining the public by demonstrations of mind reading, mental telepathy, thought conveyance, or the giving of horoscopic readings, at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers, when not conducted in connection with the business of telling fortunes. Nothing in this section, however, shall be construed as exempting any person from the payment of the applicable license fee, if any, required to be paid by the licensing provisions of this title.
- (b) No person shall be required to pay any fee or take out any license for conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, or clairvoyant from any bona fide church or religious association maintaining a church and holding regular services and having a creed or set of religious principles that is recognized by all churches of like faith; provided further, that the fees, gratuities, emoluments, and profits thereof shall be regularly accounted for and paid solely to or for the benefit of the church or religious association; provided further, that the person holding a certificate of ordination from such bona fide church or religious association, as set forth in this section, shall, before practicing the profession specified in this chapter, file with the tax collector a certified copy of his certificate of ordination with his name, age, and street address in this city where he intends to carry on the business. Such bona fide church or religious association, as defined in this section, may, however, pay to its ministers, missionaries, mediums, or workers a salary or compensation based on a percentage basis; provided that the agreement between the church and the minister, missionary, medium or worker is embodied in a resolution and transcribed in the minutes of such church or religious association.
- (c) No person shall be required to pay any fee or take out any license for carrying on the art of reading tea leaves in any bona fide, regularly established restaurant for the purpose of amusement of the patrons of the restaurant, where no charge for such readings is made. (Urg. Ord. 2703-6/84)

5.72.100 Permit suspension and revocation. The City Administrator may, based on evidence that any of the provisions of this chapter have been violated, suspend or revoke a permit; provided that written notice by certified mail of such suspension or revocation is furnished the permittee. The permittee, within ten (10) days after receipt of notice of suspension or revocation, may file an appeal with the City Clerk to be taken to the City Council. In the event an appeal is timely filed, the suspension or revocation shall not take effect until final decision has been rendered by the Council. If the permittee fails to take an appeal within the ten-day filing period provided herein,

suspension or revocation shall take effect immediately upon expiration of such filing period. Procedures for appeals shall be those set forth in sections 5.70.130 through 5.70.190 inclusive. (Urg. Ord. 2703-6/84)

5.72.110 Fortunetelling establishment--Change of location or name.

- (a) No permittee shall operate, conduct, engage in, or carry on the business of fortunetelling under any name other than his name and the name of the fortunetelling establishment specified on his permit, or at any location other than the location specified in the permit.
- (b) Any application for an extension or expansion of a building or other place of business where a fortunetelling business is located shall require inspection and shall comply with the provisions and regulations of this chapter.
- (c) No permit issued pursuant to this chapter shall be transferable.
- (d) In the event any individual holding a fortunetelling permit issued by the city desires to operate, engage in, conduct, or carry on the business of fortunetelling at any location other than that specified in the permit, such person shall submit an additional application, pay the fee set by resolution of the City Council, and obtain a permit prior thereto. (2746-2/85)